

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN J. RANKIN,

Defendant.

CR 14-33-M-DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 30, 2014. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Allen J. Rankin’s guilty plea

after Rankin appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I) and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count II) as set forth in the Indictment. In exchange for Defendant's plea, the United States agrees to move to dismiss Counts III through VII of the Indictment no later than 21 days after the issuance of a written judgment if the Court accepts the Plea Agreement and the Defendant complies with Paragraph 9 of the Plea Agreement.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 24), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Allen J. Rankin's motion to change plea (Doc. 15) is GRANTED and Allen J. Rankin is adjudged guilty of Counts I and II of the Indictment.

DATED this 20<sup>th</sup> day of January, 2015.



Dana L. Christensen, Chief District Judge  
United States District Court